THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.16831 of 2006

08.9.2006

Between:

Laiq Fatima, W/o.Late Mir Taher Ali Khan
And others

... Petitioners

AND

The Principal Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

... Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.16831 of 2006

ORDER:

The petitioners are legal heirs of late Mir Taher Ali Khan. They filed application in Form No.I under A.P. (Telangana Area) Abolition of Inams Rules, 1975 (the Rules, for brevity) and Section 9 of A.P. (Telangana Area) Abolition of Inams Act, 1955 (the Act, for brevity), seeking registration as occupants of building known as 'Ali Cottage' bearing MCH Nos.5-4-367/1, 5-4-367/2 and 5-4-367/3 in survey No.100 situated at Mukarramjahi Road, Nampally Village and Mandal, Hyderabad, which is admeasuring 2304 Sq.yards. The fourth respondent before whom such application was made, inspected the property along with the Mandal Revenue Officer, Nampally Mandal (MRO), and Mandal Surveyor, and found that the property was in possession and enjoyment of the petitioners. The fourth respondent, however, declined to issue Occupancy Rights Certificate (ORC) on the ground that he is not competent authority to issue ORC, aggrieved by which, the present writ petition is filed.

Heard the learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General). Section 9(1) of the Act reads as under.

> **9. Vesting of certain buildings and inam lands used for non-agricultural purpose:–**

> (1) Every private building situated within an inam shall with effect from the date of vesting, vest in the person who owned it immediately before that date.

A plain reading of the above provision would show that if a person, who is owner of building on the date of vesting, as defined under Section 2(b) of the Act, without anything else, such property shall vest in the person, who owned it before the date of vesting. In the case of agricultural land, however, inamdar, kabize-e-khadim, permanent tenant, protected tenant or non-protected tenant shall have to be registered as occupants of the lands under relevant provisions, after conducting enquiry by the Revenue Divisional Officer (RDO). No power is conferred on the RDO to register any person as an occupant if the land is non-agricultural land or land is used otherwise than for construction of a building. In this case, there is no denial that the petitioners are in possession of the building known as 'Ali Cottage' and, therefore, under Section 9(1) of the Act, that building vests in them. In that view of the matter, the impugned order is unexceptionable.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

September 08, 2006.

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